

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF TEXAS**  
**BEAUMONT DIVISION**

**ROBBIE E. STROTHER**

**v.**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL  
SECURITY ADMINISTRATION**

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**NO. 1:07-CV-958**

**MEMORANDUM OPINION AND ORDER**

The Court heretofore ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, for consideration pursuant to applicable law and orders of this Court. The Court has received and considered the Report of the United States Magistrate Judge pursuant to such order, along with the record, pleadings and all available evidence.

Pending is defendant's motion to dismiss. Defendant requests dismissal of this action as further administrative proceedings resulted in plaintiff's requested relief.

Defendant filed the motion on February 24, 2009. The Magistrate Judge filed a Report and Recommendation recommending this matter be dismissed on April 17, 2009. No objections have been filed.

The court concludes that the findings of fact and conclusions of law of the United States Magistrate Judge are correct, and the Report of the United States Magistrate Judge is **ADOPTED**.

It is therefore

**ORDERED** that defendant's "Motion to Dismiss Plaintiff's Complaint," (Docket No. 28), is **GRANTED**.

A Final Judgment will be entered separately in accordance with this Memorandum Opinion.

**SIGNED** this the 13 day of May, 2009.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield  
United States District Judge